

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

POWERBAHN, LLC,

Plaintiff,

v.

FOUNDATION FITNESS LLC, WAHOO  
FITNESS, LLC, WAHOO FITNESS  
HOLDINGS, and PATRICK WARNER,

Defendants.

Case No. 1:19-cv-01678-AT

JURY TRIAL DEMANDED

**STIPULATION OF DISMISSAL OF COUNTS 5-12 AND 15-16 ONLY**

Plaintiff PowerBahn, LLC (“Plaintiff”) and Defendants Foundation Fitness LLC, Wahoo Fitness, LLC, Wahoo Fitness Holdings, and Patrick Warner (“Defendants,” and collectively, with Plaintiff, the “Parties”) hereby stipulate to the dismissal of Counts 5-12 and 15-16 of Plaintiffs’ Complaint, and Count I of Defendants’ Counterclaims, with each party bearing its own costs, expenses, and attorney fees with respect to such Counts.

Count 13 (False Advertising under the Lanham Act) and Count 14 (Reverse Passing Off under the Lanham Act), as well as Count II of Defendants’ counterclaims, remain pending in this action.

Respectfully submitted this 28<sup>th</sup> day of February, 2020.

/s/Daniel A. Kent

Daniel A. Kent  
Georgia Bar No. 415110  
dankent@kentrisley.com  
Tel: (404) 585-4214  
Fax: (404) 829-2412  
Stephen R. Risley  
Georgia Bar No. 606545  
steverisley@kentrisley.com  
Tel: (404) 585-2101  
Fax: (404) 389-9402  
Courtney S. Alexander  
Georgia Bar No. 142690  
cortneyalexander@kentrisley.com  
Tel: (404) 855-3867  
Fax: (770) 462-3299

KENT & RISLEY LLC  
5755 N Point Pkwy Ste 57  
Alpharetta, GA 30022

*Counsel for Plaintiff*

/s/Keith J. Grady (w/permission)

Keith J. Grady  
Admitted *Pro hac vice*  
kgrady@polsinelli.com  
Graham L. Day  
Admitted *Pro hac vice*  
gday@polsinelli.com  
Polsinelli PC  
100 S. Fourth St., Suite 1000  
St. Louis, MO 63102  
Telephone: 314.889.8000  
Facsimile: 314.231.1776  
Joseph C. Sharp  
Georgia Bar No. 637965  
jsharp@polsinelli.com  
Polsinelli PC  
1201 West Peachtree Street, Suite 1100  
Atlanta, GA 30309  
Telephone: 404.253.6000  
Facsimile: 404.253.6060

*Counsel for Defendants*

Holmes J. Hawkins III  
Georgia Bar No. 338681  
King & Spalding, LLP  
1180 Peachtree St., NE  
Atlanta, GA 30309  
Telephone: 404-572-2443  
Fax: 404-572-51536

*Counsel for Defendants  
Wahoo Fitness, LLC, and  
Wahoo Fitness Holdings, LLC*